



Docket 110.00900101

DECLARATION AND POWER OF ATTORNEY

We, Laura P. W. Ranum, Michael D. Koob, Kellie A. Benzow, and Melinda L. Moseley-Alldredge, declare that: (1) our respective citizenships and mailing addresses are indicated below; (2) we have reviewed and understand the contents of the specification identified below, including the claims, as amended by any amendment specifically referred to herein, (3) we believe that we are the original, first, and joint inventors of the subject matter in

SPINOCEREBELLAR ATAXIA TYPE 8 AND METHODS OF DETECTION

Filed: October 28, 1998

Serial No.: 09/181,585

described and claimed therein and for which a patent is sought; and (4) we hereby acknowledge our duty to disclose to the Patent and Trademark Office all information known to us to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.*

We hereby appoint Ann M. Mueting (Reg. No. 33,977), Kevin W. Raasch (Reg. No. 35,651), Mark J. Gebhardt (Reg. No. 35,518), Amelia A. Buharin (Reg. No. 38,835), Victoria A. Sandberg (Reg. No. 41,287), Mark A. Hollingsworth (Reg. No. 38,491), Paul B. Simboli (Reg. No. 38,616), and David L. Provence (Reg. No. P-43,022) our attorneys with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all correspondence in this case to:

Attention: Ann M. Mueting
Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Telephone No. (612) 305-1217

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, we pray that Letters Patent be granted to us for the invention described and claimed in the specification identified above and we hereby subscribe our names to the foregoing specification and claims, Declaration and Power of Attorney, on the date indicated below

Name: Laura P. W. Ranum
Citizenship: United States of America
Address: 2116 Carter Avenue
St. Paul, Minnesota 55108

1/27/99 Date

Name: Michael D. Koob
Citizenship: United States of America
Address: 2186 Draper Avenue
Roseville, Minnesota 55113

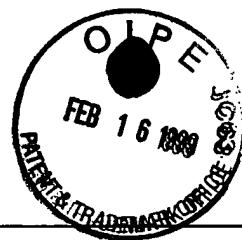
1/27/99 Date

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Title: SPINOCEREBELLAR ATAXIA TYPE 8 AND METHODS OF DETECTION



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Kellie A. Benzow

1/27/99

Name: Kellie A. Benzow Date
Citizenship: United States of America
Address: 11911 18th Avenue North
Plymouth, Minnesota 55441

Melinda Moseley-Alldredge

1/27/99

Name: Melinda L. Moseley-Alldredge Date
Citizenship: United States of America
Address: 579 Ashland Avenue
St. Paul, Minnesota 55102

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Docket No. 110.00900101

NONPROFIT ORGANIZATION
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(e) AND 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Regents of the University of Minnesota

ADDRESS OF ORGANIZATION: 100 Church Street SE

Minneapolis, MN 55455

TYPE OF ORGANIZATION: _____

- a) UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- b) TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3))
- c) NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA -- (NAME OF STATE _____)
(CITATION OF STATUTE _____)
- d) WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- e) WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA -- (NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 13 C.F.R. 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in regard to the invention, entitled SPINOCEREBELLAR ATAXIA TYPE 8 AND METHODS OF DETECTION by inventor(s) Laura P.W. Ranum and Michael Koob described in

- a) the specification filed herewith.
- b) application serial no. ___, filed _____.
- c) patent no. ____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____
 ADDRESS _____

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

NAME _____
 ADDRESS _____

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME James A. Severson
 TITLE Director - Patents and Technology Marketing
 ADDRESS 100 Church Street SE, Minneapolis, MN 55455

SIGNATURE James A. Severson DATE October 28, 1998

